

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WENDY SUMMERS, Administrator of the
Estate of Decedent, Courtney McLeod

Plaintiff,

v.

CITY OF PHILADELPHIA, et al.

Defendants.

CIVIL ACTION
NO. 17-191

ORDER

AND NOW, this 26th day of June, 2017, upon consideration of Defendants' Motions to Dismiss, (ECF Nos. 6, 16, 18 & 25), and Plaintiff's Responses (ECF Nos. 15, 20, 22 & 27), it is hereby **ORDERED** that:

1. ECF No. 6 is **GRANTED** in part;
 - a. The claims against the City of Philadelphia and Giorla, Delaney, Lawton and Farrell in their official capacities are **DISMISSED** with prejudice;
 - b. The claims against Giorla, Delaney, Lawton and Farrell in their individual capacities are **DISMISSED** without prejudice.
2. ECF No. 16 is **GRANTED**;
 - a. The claims against MHM Correctional Services, Inc. and MHM Services, Inc. are **DISMISSED** without prejudice.
3. ECF No. 18 is **GRANTED**;
 - a. The claims against Correct Care Solutions, LLC and Weiner are **DISMISSED** without prejudice.

4. ECF No. 25 is **GRANTED** in part and **DENIED** in part;
 - a. The claims against the Pennsylvania Department of Corrections and Wetzel, Cynthia Link, Ondrejka, Korszniak and Mascellino in the official capacities are **DISMISSED** with prejudice;
 - b. The claims against Wetzel, Cynthia Link, Ondrejka, Korszniak and Mascellino in their individual capacities are **DISMISSED** without prejudice.
5. The Fifth Amendment claims against all Defendants are **DISMISSED** with prejudice;
6. The Fourteenth Amendment substantive due process claims against all Defendants are **DISMISSED** with prejudice;
7. Plaintiff may file an amended complaint on or before **August 26, 2017**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.